``IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 13272 of 2004

Between:

1 Boya @ Mekala Brahmaiah S/o Late Madanna
H.No. 4/149 Near Water Tank, R/oHosur Village, Pattikonda (M),
Kurnool District
2 Uliveni Rama Krishna S/o Venkata Ramudu
Tailor R/oHosur Village, Pattikonda (M),
Kurnool District
3 Bangani Lakshmi Narayana S/o Chinna Ramanna,
Tailor R/oHosur Village, Pattikonda (M),
Kurnool District

..... PETITIONERS

AND

1 The District Collector (Panchayat Wing) Kurnool, Kurnool District
2 The Panchayat Secretary, Hosur Gram Panchayat Hosur Village, Pattikonda (M) Kurnool District
3 The Sarpanch, Hosur Grama Panchayat, Pattikonda (M) Kurnool District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction one in the nature of Writ of Mandamus declaring the action of the2nd, 3rd respondents in issuing the impugned notice dated-Nil- asking the petitioners to vacate the premises on or before 28-7-2004 as illegal improper-arbitrary against to law and all cannons of justice

Counsel for the Petitioner: MR.R.RAMANJANEYULU

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORAL ORDER:

This writ petition is filed to declare the impugned notice issued by the respondents 2 & 3 herein asking the petitioner to vacate the premises on or before 28-7-2004 as illegal and improper.

The case of the petitioner is that he is running a supplier & vegetable shop in the site belongs to Gram Panchayat and that the respondent Gram Panchayat issued the impugned notice for his eviction on or before 28-7-2004. Admittedly, the petitioner cannot lay any claim over the property which belongs to Gram Panchayat. The Gram Panchayat has to follow necessary procedure for due eviction of the encroacher if the said encroachment is illegal and objectionable. For the eviction of the petitioner, the Gram Panchayat issued notice calling upon the petitioner to vacate the land and if he fails to do so, necessary action will be taken for the eviction of the petitioner for which the Gram Panchayat is entitled to do so.

In view the above, issuance of notice by the Gram Panchayat does not suffer from any illegality or arbitrariness.

Writ petition is accordingly dismissed. No costs.

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29-07-2007

Kvrk

To

1 The District Collector (Panchayat Wing) Kurnool, Kurnool District
2 The Panchayat Secretary, Hosur Gram Panchayat Hosur Village, Pattikonda (M) Kurnool District
3 The Sarpanch, Hosur Grama Panchayat, Pattikonda (M) Kurnool District

4. Two CCs to GP for Revenue, High Court Bldgs. Hyd(OUT)

5. Two CD copies.